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SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1974

CASPAR WEINBERGER, et al., Appellants, vs. CONCETTA SALFI, et al., Appellees.	NO. 74-214

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

Appellee, CONCETTA SALFI, asks leave of the Court to proceed in forma pauperis pursuant to Rule 53 of the Supreme Court Rules [U.S.C. Title 28] and to file all motions, briefs, and documents in accordance with Rule 47 of said rules.

Appellee's affidavit in support of this motion is attached hereto.

DATED: September 19, 1974.

BRUCE N. BERWALD
DON B. KATES, JR.
Attorneys for Appellees
2221 Broadway
Redwood City, CA 94063

Telephone: (415) 365-8411

AFFIDAVIT OF SERVICE BY MAIL

I, Jeanne Pritchard, certify that I am a citizen of the United States, over the age of 18 years, and not a party to the within action, nor an attorney of record. My place of employment and business address is 1212 Market Street, San Francisco, California 94102.

I served a true copy of the attached MOTION FOR LEAVE TO PROCEED INFORMA PAUPERIS on the Appellant herein by placing a true copy thereof in an envelope addressed as follows:

ROBERT H. BORK, Solicitor General
CARLA A. HILLS, Assistant Attorney General
WILLIAM L. PATTON, Assistant to the Solicitor General
JOHN K. VILLA, Esq.
WILLIAM KANTER, Esq.
Department of Justice
Washington, D.C. 20530

Said service is in compliance with paragraphs 1 and 3 of the Supreme Court Rule 23. All parties required to be served have been served.

DATED: September 27, 1974.

Jeanne Pritchard
JEANNE PRITCHARD

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1974

CASPAR WEINBERGER, et al., Appellants, vs. CONCETTA SALFI, et al., Appellees.	NO. 74-214

AFFIDAVIT OF APPELLEE
CONCETTA SALFI

STATE OF CALIFORNIA)
) ss:
COUNTY OF SAN MATEO)

I, CONCETTA SALFI, being first duly sworn, according to law, depose and say, in support of my motion for leave to proceed in forma pauperis:

1. I am the Appellee in the above-entitled case.

2. Because of my poverty, I am unable to pay the costs of printing documents in accordance with Rule 39 of the Supreme Court Rules or to pay any other costs which might be required.

3. I am unable to give security for the same.

4. I believe that I am entitled to the relief granted me by the judgment of the United States District Court, Northern District of California; and I am requesting that this Court affirm said judgment.

5. My sole sources of income are Social Security benefits, child support and Aid to the Totally Disabled.

6. The nature of my cause is briefly stated as follows:

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42 U.S.C. §416(c) and (e) operate as conclusive evidentiary presumptions disqualifying me from receipt of Social Security's Survivor's benefits, in violation of my right to Due Process embodied in the Fifth Amendment to the United States Constitution.

Executed this 26th day of September, 1974.

Concetta Salfi
CONCETTA SALFI

SUBSCRIBED and sworn to before me this 26th day of September, 1974.

Eldred J. Taylor
NOTARY PUBLIC

ELDRED J. TAYLOR
NOTARY PUBLIC — CALIFORNIA
PRINCIPAL OFFICE IN
SAN MATEO COUNTY
My Commission Expires January 2, 1976